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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,828

05/09/2006

Mark Gilmore Mears

PU030310

5255

24498 7590 06/08/2010
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EXAMINER

CHOKSHI, PINKAL R

ART UNIT

PAPER NUMBER

2425

MAIL DATE

DELIVERY MODE

06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,828	Applicant(s) MEARS ET AL.	
	Examiner Pinkal R. Chokshi	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 04/05/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. **Claim 7** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim element “processing means” is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. As the claim is computer implemented, there is no specific algorithm disclosed that describes how a user is given a plurality of options, as required by the claim.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

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(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2005/0086693 A1 to Shintani et al (hereafter referenced as Shintani) in view of US Patent 7,213,256 B1 to Kikinis (hereafter referenced as Kikinis).

Regarding **claim 1**, “a method for enabling a channel search in a signal processing apparatus” reads on the method use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to “method comprising the steps of: generating a signal suitable for coupling to a display device for displaying an on-screen menu” Shintani discloses (§0061) that the on-screen menu is presented to the user based on the request to search programs on the signal.

As to “wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said signal processing apparatus are to be searched and

a second option to individually select which of a plurality of types of channels are to be searched” Shintani discloses (§§0038, §§0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3. Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to “enabling a user to select an option for said channel search responsive to said on-screen menu” Shintani discloses (§§0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enabling a user to select a plurality of options responsive to said on-screen menu." However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 2**, “the method wherein said plurality of inputs includes a cable input and an antenna input” Shintani discloses (§§0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 3**, “the method wherein said plurality of types of channels includes digital modulation channels and analog modulation channels” Shintani discloses (§0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 4**, “the method wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs” Shintani discloses (§0038, §0051) that the controller determines the type signal received via the input.

Regarding **claim 5**, “the method wherein said plurality of options further includes a fourth option to search previously found channels” Shintani discloses (§0028 and §0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Shintani further discloses (§0067, §0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 6**, “the method further comprised of performing said channel search according to said plurality of options selected by said user” Shintani discloses (§0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Regarding **claim 7**, “an apparatus for enabling a channel search” reads on the apparatus use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to “apparatus comprising: memory means for storing data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu” Shintani discloses (§0061) that the on-screen menu is presented to the user based on the request to search programs on the signal.

As to “wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said apparatus are to be searched and a second option to individually select which of a plurality of types of channels are to be searched” Shintani discloses (§0038, §0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3. Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to “processing means for enabling a user to select an option for said channel search responsive to said on-screen menu” Shintani discloses (§0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except “enabling a user to select a plurality of options responsive to said on-screen menu.” However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been

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obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 8**, "the apparatus wherein said plurality of inputs includes a cable input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 9**, "the apparatus wherein said plurality of types of channels includes digital modulation channels and analog modulation channels" Shintani discloses (¶0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 10**, "the apparatus wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal received via the input.

Regarding **claim 11**, "the apparatus wherein said plurality of options further includes a fourth option to search previously found channels" Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to

regenerate an updated channel map. Shintani further discloses (§§0067, §§0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 12**, “the apparatus wherein said processing means enables performance of said channel search according to said plurality of options selected by said user” Shintani discloses (§§0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Regarding **claim 13**, “a video signal processor” reads on the method use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to “processor comprising: a memory operative to store data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu” Shintani discloses (§§0061) that the on-screen menu is presented to the user based on the request to search programs on the signal. Shintani further discloses (§§0046) the receiver includes a memory that stores signal received from the input as represented in Fig. 2B (element 236).

As to “wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said video signal processor are to be searched and a second option to individually select which of a plurality of types of channels are to be searched” Shintani discloses (§§0038, §§0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3.

Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to “a controller operative to enable a user to select an option for said channel search responsive to said on-screen menu” Shintani discloses (¶0046, ¶0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except “enable a user to select a plurality of options responsive to said on-screen menu.” However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani’s system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 14**, “the video signal processor wherein said plurality of inputs includes a cable input and an antenna input” Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 15**, “the video signal processor wherein said plurality of types of channels includes digital modulation channels and analog modulation channels”

Shintani discloses (§0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 16**, “the video signal processor wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs” Shintani discloses (§0038, §0051) that the controller determines the type signal received via the input.

Regarding **claim 17**, “the video signal processor wherein said plurality of options further includes a fourth option to search previously found channels” Shintani discloses (§0028 and §0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Shintani further discloses (§0067, §0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 18**, “the video signal processor wherein said controller is further operative to enable performance of said channel search according to said plurality of options selected by said user” Shintani discloses (§0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinkal R. Chokshi whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal R. Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425